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Violence against women migrant workers

Report of the Secretary-General

Summary

The present report, submitted pursuant to General Assembly resolution 68/137, focuses on the problem of violence against women migrant workers. It highlights the impact on women migrant workers of legislation, policies and programmes implemented by Member States and concludes with recommendations for future action.

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I. Introduction

1. In its resolution 68/137 on violence against women migrant workers, the General Assembly requested the Secretary-General to provide a comprehensive, analytical and thematic report on the implementation of the resolution to it at its seventieth session, taking into account updated information from the organizations of the United Nations system, as well as the reports of special rapporteurs that refer to the situation of women migrant workers and other relevant sources, such as the International Organization for Migration, including non-governmental organizations. Recognizing that violence against women constitutes a violation of the rights and fundamental freedoms of women and impairs or nullifies their enjoyment of those rights and freedoms, it called upon Governments to take measures to protect women migrant workers and provide assistance to them to prevent violence, enhance access to justice, improve data collection and enhance bilateral, regional, interregional and international cooperation.

2. The present report responds to the call for action contained in that resolution and covers the period from July 2013 to June 2015 following the submission of the previous report on this topic (A/68/178). Following the General Assembly Declaration on the Elimination of Violence Against Women (resolution 48/104), violence against women is understood to encompass, but not be limited to: (a) physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation; (b) physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution; and (c) physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs. The present report incorporates submissions from 21 Member States[1] and three United Nations entities[2] to address violence against migrant women workers in the household, the workplace and the public sphere. It draws on concluding observations, general recommendations and comments of human rights treaty bodies, reports by special procedures mandate holders of the Human Rights Council and other relevant sources. The report provides the context within which the issue of violence against women migrant workers may be considered and is based, inter alia, on information received from Member States, entities of the United Nations and other organizations.

[1] Twenty-one submissions were received by 24 June 2015 (from Australia, Azerbaijan, Bosnia and Herzegovina, Cambodia, China, Germany, Greece, Italy, Jamaica, Japan, Malta, Namibia, Norway, Paraguay, Peru, the Philippines, Qatar, Singapore, Sweden, Togo, and the United Arab Emirates).

[2] The International Labour Organization, the Office of the United Nations High Commissioner for Human Rights and the United Nations Entity for Gender Equality and the Empowerment of Women.

II. Context

3. Women constitute approximately half of the 247 million people who live and work outside their country of birth.[3] Data from 2013 suggest that women constitute 52 per cent of international migrants in Europe and in Latin America and the Caribbean, 51 per cent in North America, 50 per cent in Oceania, 46 per cent in Africa and 42 per cent in Asia.[4] South-South migration is heavier than South-North migration in terms of migrant stock at 34 per cent, and accounts for 34 per cent of remittances.[5]

4. Migration has the potential to foster more equitable, inclusive and sustainable growth and human development for both countries of origin and destination. Evidence continues to show that migration is an expression of women's agency at the household and community levels that can yield positive benefits by enabling women to work and earn an income, to acquire new skills and to contribute to sending and receiving communities.[6] The opportunities that migration offers for women's empowerment, improved family well-being and social and economic development depend, however, on the alignment of migration and labour policies and institutional and public responses to women migrant workers and their families with the international human rights standards that are embodied in international human rights treaties, including instruments of the International Labour Organization (ILO).

5. Despite the potential gains from migration, women face specific vulnerabilities in the migration process. During the reporting period, the vulnerabilities documented for migrant women workers highlight increasingly complex migration contexts and channels, rising South-South migration and mixed flows of migrants, where refugees and labour migrants find themselves using similar precarious routes to enter more developed countries, and seek work in similar sectors and occupations.[7]

6. Migrant women workers may be disproportionately vulnerable to abuse based on economic, gender, ethnic and immigration status; those factors are likely to compound each other, with low skilled, indigenous women experiencing cumulative exclusions and vulnerabilities.[8] Women's lack of access to full and reliable information about legal channels of migration and terms and conditions of work makes them vulnerable to unscrupulous recruiting agents and traffickers and puts them at risk of physical, emotional and sexual violence at the hands of recruiting

[3] See http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1288990760745/MigrationandDevelopmentBrief24.pdf.

[4] See the wallchart on international migration policies for 2013, prepared by the Population Division of the Department of Economic and Social Affairs of the Secretariat of the United Nations. Available from www.un.org/en/development/desa/population/publications/pdf/policy/InternationalMigrationPolicies2013/InternationalMigrationPolicies2013_WallChart.pdf.

[5] See Dilip Ratha, World Bank, "Leveraging migration and remittances for development", presentation made at the Global Migration Group symposium. Available from www.globalmigrationgroup.org/uploads/news/2011-symposium/Migration_and_Youth_Ratha.pdf.

[6] See K. Choon Yen, M. Platt, B. Yeoh, and T. Lam. 2015. "Structural Conditions and Agency in Migrant Decision Making: A Case of Domestic and Construction Workers from Java, Indonesia Migrating out of Poverty", p. 17.

[7] See report of the Special Rapporteur on the human rights of migrants, A/HRC/29/36, para. 55.

[8] See http://www.doctorswithoutborders.org/sites/usa/files/Trapped_at_the_Gates_of_Europe.pdf.

agents, employers and public officials, in addition to hindering access to justice for survivors of violence. This vulnerability is further heightened for adolescent girls.[9]

7. Recent trends point to a continued and rising demand for women migrant workers in the care economy in host countries where they carry out a wide spectrum of activities necessary for the reproduction and maintenance of human life and well-being in the labour importing economies.[10] In a globalized world, the labour that migrant women provide to the care economy fills the deficit left by lack of affordable public care services, health sector cut-backs, gaps in care provision caused by increased participation of women in the labour market, demographic shifts in ageing societies and lifestyle changes in wealthier countries.[11] The demand for care work appears to be rising in host countries, where the failure to resolve care deficits and secure public provision of care has increased the demand for informal care work, particularly in the private sphere. Women who perform domestic work are particularly vulnerable to abuse because of the unequal power relations they face while engaging with labour brokers and employers, and because they have limited access to information and their autonomous movement outside private homes is restricted in many receiving countries.[12] Up-front recruitment costs are commonly passed on to the employer, who can withhold payment of wages until they consider that the full debt is repaid, which effectively creates debt bondage employment.[13] Care workers routinely face serious human rights abuses owing to the invisible nature of their workplace. Those abuses frequently include physical, psychological and sexual violence, forced labour, salary that is withheld or not paid at all, excessively long hours, no guaranteed weekly day of rest, limited access to health services, lack of freedom of movement and withdrawal of personal belongings.[14] They are also often excluded from labour legislation and social protection, including, inter alia, in relation to their freedom of association and the right to collective bargaining.[15]

8. The gender-based vulnerabilities to which women are exposed in migration are exacerbated by those gender inequalities and the risk of gender-based violence in their countries of origin (which include sexual abuse, early or forced marriage and female genital mutilation). Those factors may contribute to reasons why many women and girls to seek to migrate.[16] In addition, institutional discrimination in countries of origin, that affect whether women can migrate without male agreement

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[9] See http://www.popcouncil.org/uploads/pdfs/2013PGY_GirlsOnTheMove.pdf, p. 40.

[10] See http://publications.iom.int/bookstore/free/MRS41.pdf, p. 11.

[11] See W. Giles, V. Preston and M. Romero. 2014. "When Care Work Goes Global: Locating the Social Relations of Domestic Work", Ashgate Publishing, Ltd., and H. Lutz. 2012. "Migration and Domestic work: A European Perspective on a Global Theme", Ashgate Publishing, Ltd.

[12] See http://progress.unwomen.org, p. 106 and United Nations Committee on the Protection of the Rights of all Migrant Workers and Members of Their Families. 2011. General Comment No. 1 on migrant domestic workers, p. 2.

[13] See http://asiapacific.unwomen.org/~/media/field%20office%20eseasia/docs/publications/2013/managing%20labour%20migration%20in%20asean%20concerns%20for%20women%20migrant%20workers.pdf, p. 19. See http://apwld.org/wp-content/uploads/2013/09/New-Slave-in-the-Kitchen-Debt-Bondage.pdf.

[14] See http://www.unwomen.org/en/digital-library/publications/2013/12/gender-on-the-move, p. 178.

[15] See http://progress.unwomen.org, p. 34; and http://www.adb.org/sites/default/files/publication/42818/asean-community-2015-managing-integration.pdf.

[16] G. Ferrant and M. Tuccio. South-South Migration and Discrimination Against Women in Social Institutions: A Two-way Relationship. *World Development* 2015, Vol. 72, pp. 240-365, p. 242.

or determine the age at which they are allowed to migrate, can also restrict migration choices for women, increasing the likelihood that women seek informal, undocumented, and thus more unprotected and insecure, routes for migration.

9. Women with irregular migration status are particularly vulnerable to exploitation, violence and abuse.[17] Where policy and legal frameworks (in combination with programmes to facilitate women's regular migration), are lacking or insufficient, women's vulnerability in the migration process can be significantly heightened. Various factors may drive women to use smuggling networks to facilitate irregular movement, including the high cost of migration, bans or restrictions on women's migration, a lack of independent migration opportunities for women and regular entry channels, and sharply rising demand in labour markets in countries of destination. Movement by irregular means may also increase women's vulnerability to trafficking.

10. The lack of safe and regular migration channels often propels migrants into the hands of smugglers, where they lose their freedom of movement and decision-making power, leaving them in complete control of smugglers. In those contexts, women migrants are often raped and forced into sexual servitude to repay "debts". Kidnapping of migrants by traffickers for ransom along certain routes has been reported in the Horn of Africa and in the Central America-Mexico Corridor to North America.[18] Kidnapped women migrants experience high levels of violence and torture, including sexual abuse and gang rapes, often over extended periods of time.[19] The disappearance of women and girls is frequent. Health officials in Yemen reported that 9 out of 10 irregular migrant women they treated had experienced sexual violence.[20] A lack of legal status in countries of transit and destination means that those who are victims of abuse, exploitation and violence face greater challenges prosecuting their abusers. Undocumented migrant women also face greater challenges in accessing basic social rights, which in turn increases their vulnerability to violence.[21]

11. A disturbing trend that appears to be increasing is that of the sexual exploitation of migrant women.[22] Another identifiable change in women's migration patterns that is increasingly being documented is the rise in both the numbers and the proportion of women using dangerous routes that were previously the preserve of male migrants. The numbers of women and children dying as they cross deserts

[17] United Nations Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families. 2013. General comment No. 2 on the rights of migrant workers in an irregular situation and members of their families, p. 8.

[18] See https://www.iom.int/news/iom-and-mexicos-national-human-rights-commission-sign-cooperation-agreement-fight-human and https://www.iom.int/news/irregular-migration-sea-horn-africa-arabian-peninsula-increases.

[19] See http://publications.iom.int/bookstore/free/FatalJourneys_CountingtheUncounted.pdf, pp. 120, 122.

[20] See http://www.hrw.org/report/2014/05/25/yemens-torture-camps/abuse-migrants-human-traffickers-climate-impunity.

[21] See http://picum.org/picum.org/uploads/publication/Double%20Violence%20Against%20Undocumented%20Women%20-%20Protecting%20Rights%20and%20Ensuring%20Justice.pdf, p. 15.

[22] See report of the Special Rapporteur on the human rights of migrants. http://www.ohchr.org/Documents/Issues/SRMigrants/A.HRC.26.35.pdf (3 April 2014) p.10, 13, 14 and http://www.adb.org/sites/default/files/publication/42818/asean-community-2015-managing-integration.pdf.

or the sea is increasing.[23,24] Women migrants taking those dangerous routes may also be subjected to violence en route by other migrants, or by the smugglers or security officials.[25] When smugglers transport migrants by boat, incidents of sexual violence against women and sexual slavery of women have been reported.[26] This is increasingly a problem for female migrants from the Horn of Africa, particularly in the context of kidnapping and extortion, and is well documented.[27] For female migrants from West Africa, sexual abuse appears to be systematic and opportunistic in terms of smugglers and officials who abuse their power while moving or encountering migrants; in some cases, women and girls are forced into short- or medium-term sexual servitude. In this instance, smuggling can become trafficking.

12. Women and girls are particularly vulnerable to abuse, violence and even death along irregular migratory routes.[28] The recent deaths in the Mediterranean Sea and Pacific Ocean underscore that migrant women are increasingly at risk along those routes. While there seems to be no sex-disaggregated data on the female death rate of migrants at sea,[29] it is known from other similar events (such as tsunamis, hurricanes and floods) that women and girls are less likely to know how to swim and are therefore at higher risk of drowning in cases of emergency, such as shipwrecks. In addition, women tend to bear the main responsibility for looking after children, which makes it even more difficult for women to survive during emergencies at sea.[30]

13. As reported by the Special Rapporteur on the human rights of migrants, while the relationship between irregular migration status and labour market abuses is complex, the former will tend to increase the vulnerability of the latter.[31] Abusive working conditions are characterized by forced labour,[32] disproportionately low wages, exclusion from minimum wage coverage, excessively long hours of work, insufficient rest periods and leave,[33] and restrictions on movement and association. During reporting period, the number of times the rights of migrant women workers have been explicitly cited in the ILO report of the Committee of Experts on the

[23] See http://www.iom.int/oped/desperate-womens-dangerous-moves.

[24] According to UNHCR, over 3,400 people died or went missing in 2014 and 470 persons died or went missing in the first quarter of 2015 while attempting to cross the Mediterranean, see http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1288990760745/MigrationandDevelopmentBrief24.pdf.

[25] See http://publications.iom.int/bookstore/free/FatalJourneys_CountingtheUncounted.pdf, p. 111.

[26] See report of the Special Rapporteur on the human rights of migrants (8 May 2015), A/HRC/29/36, para. 31.

[27] Ibid.

[28] Pickering, S. and B. Cochrane. 2013. "Irregular border-crossing deaths and gender: Where, how and why women die crossing borders", Theoretical Criminology 17(1):27-48.

[29] See the report of IOM on missing migrants, available at http://missingmigrants.iom.int/.

[30] See http://publications.iom.int/bookstore/free/FatalJourneys_CountingtheUncounted.pdf, p. 191.

[31] See report of the Special Rapporteur on the human rights of migrants (A/HRC/29/36), para. 56.

[32] Of the estimated 21 million people in forced labour, over half (11.4 million) are women and girls, see http://www.ilo.org/global/topics/forced-labour/lang--en/index.htm.

[33] According to ILO, 44.9 per cent of the world's domestic workers are not entitled to any weekly rest, see http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_173363.pdf.

Application of Conventions and Recommendations, although lower than the previous peak of 10 in 2012 and 2011, has risen from 7 in 2014 to 9 in 2015.[34]

14. The human rights and human development aspects of women's migration have not yet been adequately integrated into national, regional and international development policy and practice, such as poverty reduction and development strategies.[35] This impedes the full recognition and maximization of contributions by migrant women workers to development, hinders their protection from violence, and hampers their access to assistance and justice. The sustainable development goals, as proposed, do, however, offer the potential to integrate women migrant workers as a group of interest and disaggregation — enabling governments to monitor and track progress towards their full equality.

III. Global legal and policy development and intergovernmental meetings

15. Legal, policy and normative development to protect migrant women workers has continued through the adoption of conventions, resolutions and recommendations by United Nations intergovernmental and expert bodies. Among them is the 2013 High-level Dialogue on International Migration and Development on the theme "Making migration work", held on 3 and 4 October 2013 in New York.[36] The high-level dialogue identified that, while women migrant workers contributed significantly to the economic and social development of the countries of origin and destination, they also face risks of exploitation and abuse throughout the migration process. Delegates to the dialogue called for measures that provide access for women to services that prevent violence, and also the adoption of measures to protect women migrant workers from violence. Representatives of civil society who were present at the dialogue also identified the need to address violence and abuse associated with the crossing of borders by women migrant workers. Of significance for migrant women workers is ILO Convention No. 189 (2011) concerning decent work for domestic workers, which entered into force in 2013, and its Recommendation No. 201 that extends basic labour rights to domestic workers, including those in private households, who are without clear terms of employment and who are unregistered and excluded from the scope of labour legislation. This Convention stresses the duty of States to exercise due diligence in effectively eliminating child labour and set a minimum age for domestic workers. The Committee on Migrant Workers General comment No. 2 on the rights of migrant workers in an irregular situation and members of their families (see CMW/C/GC/2 (28 August 2013), p. 8) also highlights particular concerns about violence against migrants. Under the section on protection of civil and political rights, the general comment addresses protection against violence, specifically identifying the need for States to prohibit, investigate, prosecute and punish such violence. The same general comment also calls for States to provide training for officials to enable them to identify and

[34] See http://www.ilo.org/ilc/ILCSessions/104/reports/reports-to-the-conference/WCMS_343022/lang--en/index.htm/.

[35] See http://www.adb.org/sites/default/files/publication/42818/asean-community-2015-managing-integration.pdf.

[36] See the report of the Secretary-General on international migration and development (A/69/207).

respond to incidents of violence against irregular migrant workers and to monitor the situation.

16. The Office of the United Nations High Commissioner for Human Rights (OHCHR), through the Recommended Principles and Guidelines on Human Rights at International Borders, calls for responses to the violation of human rights of migrants. (See A/69/277 and A/69/CRP.1). Member States have taken note of the Principles and Guidelines on the protection of migrants and on migrant children and adolescents in General Assembly resolutions. The Principles and Guidelines call for States to ensure: that all migrants who have suffered human rights violations or abuses have access to justice; that border authorities do not presume that women are necessarily vulnerable or lack agency; that maternal care is provided to women who are pregnant or breastfeeding; and that allegations of violence are investigated and prosecuted and that women receive support in reporting such abuse.

17. The Commission on the Status of Women adopted at its fifty-eighth session agreed conclusions on the challenges and achievements in the implementation of the Millennium Development Goals for women and girls (E/CN.6/2014/L.7), in which women migrants were identified as requiring targeted attention. The conclusions called for States to promote and effectively protect the human rights and fundamental freedoms of all migrants, regardless of their migration status, especially those of women and children, and to address international migration through international, regional or bilateral cooperation and dialogue and through a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants, and to avoid approaches that might aggravate their vulnerability.

18. Since the finalization of the previous report of the Secretary-General (A/68/178), the Human Rights Council has adopted several resolutions (23/20 of 14 June 2013, 23/25 of 14 June 2013, and /26/19 of 26 June 2014) that deal with violence against women migrant workers, migrant children and their access to justice. In the various resolutions, the Council reaffirmed that that everyone is entitled to all human rights and fundamental freedoms, without distinction of any kind, including the right to life, liberty, and security of person, wherever the person is and regardless of his or her immigration status. Expressing deep concern at the large and growing number of migrants, including women and children, who have lost their lives in attempting irregular border crossings, and recognizing the obligation of States to protect and respect the human rights of those attempting irregular border crossings, the Council urged States to take practical steps to ensure women's access to justice. Extending the mandate of the Special Rapporteur on the human rights of migrants for a period of three years, the Council detailed that States should take into account a gender perspective when requesting and analysing information, and should give special attention to the occurrence of multiple forms of discrimination and violence against migrant women. The Council also urged Governments to consider inviting the Special Rapporteur to visit their countries.

19. The human rights treaty bodies established under the international human rights treaties continued to take up the situation of violence against women, including migrant women.

20. On 7 April 2014, during a half day of general discussion at OHCHR on workplace exploitation and protection, the Committee on the Protection of the

Rights of All Migrant Workers and Members of Their Families heard statements from a number of trade unions, non-governmental organizations and the Special Rapporteur on the human rights of migrants. The Special Rapporteur confirmed that migrants were at heightened risk of exploitation and abuse in the workplace owing to: deceptive recruitment practices, both by employers and intermediaries; lack of administrative, legal or social support; unfamiliarity with the local culture and language; their rights at work; debt bondage; legal status; restricted freedoms; and family pressure. The same presentation underscored that labour inspections were an important tool to prevent and combat violations of human rights committed against migrants in the workplace. It was identified that the criminalization of irregular entry and imposition of immigration control duties on labour inspectors could impede the effective protection of migrants and intimidate migrants from denouncing abusive working conditions.[37]

21. Special rapporteurs of the Human Rights Council highlighted the need to address the vulnerabilities of migrant women workers and, in particular, domestic workers. The Special Rapporteur on the human rights of migrants drew attention to the particular needs and vulnerabilities of migrant domestic workers, noting that migrant domestic workers, the majority of whom are women and girls, are extremely vulnerable to incidents of violence and abuse. He emphasized the importance of ILO Convention 189 on decent work for domestic workers, which clearly recognizes domestic work as work (A/HRC/26/35 and Adds.1 and 2) and ensures that migrant workers can access rights from which they are currently excluded. The Special Rapporteur on trafficking in persons, especially women and children, highlighted the importance of efforts to prevent migrant workers from being trafficked into supply chains. She also drew attention to the fact that trafficked persons can be exploited in multiple ways, emphasizing the compounded effects of various types of exploitation that disproportionately affect women. For instance, in the agriculture sector, women trafficked for labour exploitation who work in the fields during the day are often sexually exploited at night by fellow workers and/or brokers and intermediaries (see A/HRC/29/38, para. 50). She also referred to the importance of ILO Convention No. 189 on decent work for domestic workers.

22. The Global Forum on Migration and Development continued to address gender equality and issues of women's rights issues relating to migration, placing particular emphasis on the rights of migrant domestic workers. In 2015, the forum, with the representative of Turkey as its chair, held a Thematic Meeting on Migration in the post-2015 United Nations development agenda, addressed concerns about promoting decent work for migrant workers and reducing their vulnerability to exploitation. Among the sustainable development goal targets and indicators discussed as proposed, was draft target 8.8 on "protecting labour rights and promoting safe and secure working environments of all workers, including migrant workers, particularly women migrants, and those in precarious employment".[38]

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[37] See presentation by the Special Rapporteur on the human rights of migrants on the workplace exploitation of migrants, to the Committee on Migrant Workers, General Discussion, 7 April 2014.

[38] Available from https://sustainabledevelopment.un.org/content/documents/7603Final%20draft%20outcome%20document%20UN%20Sept%20Summit%20w%20letter_08072015.pdf.

23. The Third International Conference on Financing for Development in its outcome document also made a number of references to migration and stated that: "We reaffirm the need to promote and protect effectively the human rights and fundamental freedoms of all migrants, especially those of women and children, regardless of their migration status" (A/CONF.227/L.1, para. 111).

IV. Measures reported by Member States

24. In their contributions to the present report, Member States highlighted a range of measures taken to combat violence and discrimination against women migrant workers, including efforts to adhere to the provisions of international instruments, enhance national legislation, improve migration and labour policies, collect data, undertake research, put in place preventive measures and measures to protect and assist victims of violence, and establish bilateral and multilateral cooperation. The reported efforts and measures taken to address violence against migrant women workers responded to the key elements of the recommendations set out below. Noting the links between violence and discrimination against women migrant workers and trafficking in women and girls, and the increasingly mixed composition of migration flows, States also provided information on safe migration initiatives and anti-trafficking policies and programmes.[39]

A. International instruments

25. A robust international legal and policy framework guides States, including in terms of their bilateral and multilateral collaboration to protect women migrant workers. With particular reference to the protection of migrant workers, the Special Rapporteur on the human rights of migrants has encouraged all states to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as well as the ILO Fundamental Conventions and the Migrant Workers (Supplementary Provision) Convention (C.97 and C.143), the Private Employment Agencies Convention (C.181) and the Domestic Workers Convention (C.189) concerning decent work for domestic workers (see A/HRC/26/35 and Adds. 1 and 2, paras. 75 and 76). Since the previous report of the Secretary-General (A/68/178), the number of States parties to international instruments relevant to tackling violence and discrimination against women migrant workers has increased. As at 23 June 2015, 185 States had ratified or acceded to the United Nations Convention against Transnational Organized Crime (up from 176 in 2013), 167 States had ratified or acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (up from 156 in 2013), and 141 States had ratified or acceded to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (up from 137 in 2013). Of the reporting States, all have ratified the Convention, while Qatar has acceded to it and Japan is a signatory.

[39] See the reports of the Secretary-General to the General Assembly on trafficking in women and girls (A/55/322, A/57/170, A/59/185 and Corr.1, A/65/209, A/67/170 and A/69/224).

26. The Trafficking in Persons Protocol has been ratified by Australia, Azerbaijan, Bosnia and Herzegovina, Cambodia, Germany, Greece, Italy, Jamaica, Malta, Namibia, Norway, Paraguay, Peru, the Philippines, Sweden and Togo, while China, Qatar and the United Arab Emirates have acceded to it and Japan is a signatory.

27. The Smuggling of Migrants Protocol has been ratified by Australia, Azerbaijan, Bosnia and Herzegovina, Cambodia, Germany, Greece, Italy, Jamaica, Malta, Namibia, Norway, Peru, the Philippines, Sweden and Togo, while Paraguay has acceded to it and Japan is a signatory.

28. As at 23 June 2015, 48 States were parties to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (up from 46 in 2013). Some States contributing to the present report are parties to relevant ILO conventions. Bosnia and Herzegovina, Germany, Italy, Jamaica, Norway and the Philippines are parties to the Migration for Employment Convention (Revised), 1949 (No. 97); Azerbaijan, Bosnia and Herzegovina, Cambodia, China, Germany, Greece, Italy, Jamaica, Malta, Namibia, Norway, Paraguay, Peru, the Philippines, Qatar, Sweden, Togo, and United Arab Emirates are parties to the Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Bosnia and Herzegovina, Italy, Norway, the Philippines, Sweden and Togo are parties to the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); and Bosnia and Herzegovina, Italy and Japan are parties to the Private Employment Agencies Convention, 1997 (No. 181).

29. On 5 September 2013, the Domestic Workers Convention, 2011 (No. 189) came into force. The Convention proposes measures to protect and promote the labour and human rights of domestic workers. As of 23 June 2015, 21 countries had ratified the Convention (up from eight in 2013), including Germany, Italy, Paraguay and the Philippines from among the reporting states. The Convention on the Elimination of All Forms of Discrimination against Women has been ratified by 189 States, with all of the reporting parties having ratified or acceded to it.

30. Adherence to regional instruments tackling violence against women can also contribute to preventing and combating violence against women migrant workers. For example, Bosnia and Herzegovina, Germany, Greece, Italy, Malta, Norway and Sweden have signed the Council of Europe Convention on preventing and combating violence against women and domestic violence. Following its tenth ratification on 22 April 2014, it entered into force on 1 August 2014. Cambodia, Singapore and the Philippines are working with States members of the Association of Southeast Asian Nations (ASEAN) to conclude an instrument on implementing the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, targeted for completion by 2015.

B. Legislation

31. Legal frameworks have been adopted by States to protect women migrants, women migrant workers, undocumented women migrants and asylum seekers from violence and discrimination. Such measures range from constitutional provisions to laws and regulations. Measures that can provide protection to women migrant workers can be found in different sections of national legislation, including legislation responding to violence against women, employment conditions,

immigration, and specific legislation that governs the protection of migrants and prevents trafficking.

32. States (Cambodia, China, Jamaica, Japan, Namibia, Norway, Peru, Qatar, Singapore and Sweden) have reported that the provisions of their penal codes that address violence against women, including domestic violence, sexual harassment, rape and sexual exploitation, offer protection to all women, including migrant workers. Some States, however, have introduced legislation, articles or penalties that respond specifically to violence against migrant workers; Singapore has introduced a specific penalty for abuse of foreign domestic workers.

33. Anti-trafficking legislation provides protection to women migrant workers in the worst cases of exploitation and abuse. Cambodia, Italy, Jamaica, Peru and the Philippines reported developing and implementing specific legislation on identification of cases and prevention of trafficking. Jamaica reported that it had expanded the definition of exploitation under its law to include debt bondage. Legislation also provides for services that are available for victims of trafficking, including their care post-repatriation.

34. Labour laws that comply with international labour and human rights standards can effectively protect women migrant workers against discrimination, exploitation and violence. Azerbaijan, Cambodia, Germany, Jamaica, Japan, Namibia, Peru, Singapore, Sweden and the United Arab Emirates reported on such provisions in their labour laws (the labour law of Singapore responds to domestic workers). Some States reported on the inclusion of specific provisions that increase the safety of women migrant workers. For example, Jamaica is drafting occupational safety and health legislation that will directly address violence and abuse against women migrant workers by making provisions for the inspection of the workplaces of domestic workers. Azerbaijan, Jamaica, and Peru also ensure that migrants have equal access to social protection, including contributory pension schemes and health care. The labour migration legislation of Sweden provides for equal opportunities for men and women and does not exclude occupations, and provides access to welfare for migrant workers with work permits for over one year. Qatar and the United Arab Emirates are introducing laws specific to domestic workers, which will seek to increase protection of migrant domestic workers.

35. Regulation of recruitment processes can prevent the exploitation of women migrant workers and protect them and protect them from abuse. Certain States, including Azerbaijan, Cambodia, Germany, Jamaica, Peru, Philippines, Singapore and the United Arab Emirates, have reported the enactment of regulations that govern and regulate the process of recruitment and contracting of migrant workers, and that regulate recruitment agencies and employers. Those measures are consistent with the recommendations of the Special Rapporteur on the human rights of migrants to improve the recruitment process through effective regulation of private recruitment agencies (see A/HRC/26/35, para. 72).

36. Cambodia, Germany, Jamaica, Peru, the Philippines, Singapore, Sweden and the United Arab Emirates have reported initiatives that seek to increase resource allocation to the issue of women migrant workers. In particular, Azerbaijan, Cambodia, Greece, Jamaica, Namibia and the United Arab Emirates have reported on the provision of capacity development to government officials on the formulation of legislation that responds to the particular needs and vulnerabilities of women migrant workers.

C. Policies

37. Many States have reported on the adoption of national policies that express commitment to the protection of women migrant workers, with strategies to prevent their exploitation and abuse. Cambodia, Jamaica, Paraguay, Peru and Sweden have reported on the adoption of policies on migration to prevent the abuse and exploitation of all women, including foreign workers, and to promote gender equality. Bosnia and Herzegovina, Cambodia, Greece, Italy, Jamaica, Peru and Namibia have reported on the adoption of national policies and strategies to combat violence against women and children that respond to migrant women.

38. Policies and strategies on employment also provide protection for migrant women workers, as reported by Bosnia and Herzegovina, Peru and Italy. The policy adopted by Bosnia and Herzegovina provides an obligation to collect sex-disaggregated data relating to employment and also includes provisions on preventing illegal employment. In Azerbaijan and Peru, labour inspection services have been put in place to prevent the abuse of migrant women workers.

D. Data collection and research

39. Critical to the development of evidence-based policies is investment in filling data gaps (see A/HRC/29/36, para. 99). The lack of data on incidents of violence against migrant women, however, remains a concern. The data collected by States ranged from information on employment, violence against women and immigration. Cambodia, Jamaica, Paraguay and the Philippines reported having collected sex-disaggregated data on emigration.

40. Certain States (Bosnia and Herzegovina, Jamaica, Italy, Malta, Peru and the Philippines) have reported the adoption of new approaches to data collection that may increase information on migrant women workers. For example, Bosnia and Herzegovina has adopted guidelines on the methods of data collection alongside a database for the purpose of protecting the rights of vulnerable groups, including migrant women.

41. Some States (Bosnia and Herzegovina, Italy and Namibia) have reported on the collection of data on violence and discrimination against women, in general, that also included migrant women workers.

42. A number of States (China, Bosnia and Herzegovina, Japan, Malta, Namibia, the Philippines, Togo and the United Arab Emirates) reported that they have undertaken research, both within the Government and in partnership with non-governmental stakeholders, on issues connected to violence against women, trafficking and labour migration, and trafficking of minors for work and domestic service.

E. Preventive measures, training and capacity-building

43. Prevention strategies, such as addressing the pull factors for irregular migration, educating policymakers and the public, training migrants and strengthening labour inspection, are central to tackling violence against women migrant workers and its root causes, including poverty and gender-based

discrimination (as recommended by the Special Rapporteur on the human rights of migrants in A/HRC/26/35, paras. 71, 73, 78, 98 and 101). Several States have reported the adoption of preventive measures to eliminate violence against women (Greece, Italy and Namibia) and human trafficking in general (Bosnia and Herzegovina, Jamaica, Namibia, Paraguay, Peru, the Philippines, Singapore and the United Arab Emirates), while others also included a focus on women migrant workers (Germany, Greece, Jamaica, the Philippines, Singapore, Sweden and the United Arab Emirates). Preventive measures included: public and targeted awareness-raising, including for migrant communities; dissemination of information and education through seminars, human rights education and training, guidebooks, multimedia outlets, posters and flyers. States reported national and subnational awareness-raising campaigns focused on increasing understanding about violence against women and the abuse and exploitation of migrants. In Italy, awareness-raising was the focus at the local level, in schools as well as among trade unions and social partners. Namibia undertook a National Zero Tolerance mass media campaign against gender-based violence. Recognizing the importance of the work of non-governmental organizations and women's groups in generating and disseminating information on the prevention of the exploitation and abuse of women migrant workers, certain States, including Greece, Jamaica and Namibia, reported on the provision of support to those organizations.

44. Many States reported that they had invested in measures to expand the understanding of migrant women workers of conditions of their employment and their rights. Germany, Peru, the Philippines, Singapore and the United Arab Emirates have integrated information programmes and pre-departure training into the recruitment of migrant workers, specifically domestic workers. The Philippines has undertaken a financial competency campaign to promote saving and prevent the exploitation of migrants through financial security. Paraguay works through the Ministry of Labour and Social Security to increase knowledge about rights to and the portability of pensions.

45. Some States (Malta, Peru, Singapore and the United Arab Emirates) have targeted the capacity-building of employers and employment agencies and intermediaries to prevent discrimination and violence against women and migrant workers. Singapore provides employers with guidebooks on their responsibilities and obligations and also requires them to attend a course on the rights of migrants and the responsibilities of employers.

46. Certain States (Germany, Greece, Malta, Peru, the Philippines, Sweden and the United Arab Emirates) have reported on the production of guidelines, the provision of support and the conduct of training programmes for public officials (including the judiciary, police, immigration officials and civil servants) on the identification of migrants at risk and the prevention and protection of migrant women workers from exploitation and abuse. The United Arab Emirates conducts field visits for Government officials to enable them to identify the best solutions in addressing the challenges facing migrant domestic workers.

F. Protection and assistance

47. Migrant women who are survivors of violence need various services to help them to recover from their abusive experience and to ensure that violence is not

repeated. Several States (Bosnia and Herzegovina, Germany, Greece, Jamaica, Norway, Paraguay, Peru, the Philippines, Qatar, Singapore and the United Arab Emirates) have reported that they had put into place services and mechanisms to protect that group of women, including making information services available to survivors of violence. Such services took the form of multilingual telephone hotlines and e-mail addresses and the provision of information on shelters, dormitories, legal aid, health services, compensation and redress. Certain States (Bosnia and Herzegovina, Germany, the Philippines and Singapore) highlighted the importance of establishing partnerships with non-State actors in the provision of those services. Germany, Greece and the Philippines reported on the effectiveness of the results of their service provision.

48. Singapore reported on the integration of services into border controls, providing migrant workers the opportunity to seek assistance from the Immigration and Checkpoint Authority if they were being forcibly removed. The Special Rapporteur on the human rights of migrants has recommended the adoption of further measures, including guaranteeing that migrants have the right to leave employment and pursue claims without threat of penalty; and ensuring that embassies and consulates play an active role in the protection of migrants (A/HRC/26/35, paras. 78 and 83).

49. Other States (Bosnia and Herzegovina, Jamaica, the Philippines and the United Arab Emirates) have reported undertaking capacity- development of government officials and service providers to improve service delivery. Such initiatives focused on the provision of training related to gender-based violence for the judiciary, prosecutors and service providers (Bosnia and Herzegovina, Jamaica and the United Arab Emirates) and the provision of training to the police on the identification and protection of victim (Jamaica and Namibia).

50. Institutional mechanisms in some States deal with abuse of labour rights and improve access to justice, including for migrant domestic workers. Namibia ensures that labour inspectors work closely with social workers to increase their ability to identify cases of non-compliance in relation to the employment of migrant workers. Some countries, including Singapore and the United Arab Emirates, have in place mechanisms to provide information and support to migrant workers on employment disputes. Singapore provides services through its Ministry of Manpower, both directly and via hotline; alternative employment is also offered to victims while cases of trafficking are being investigated.

G. Bilateral, regional, international and other cooperation

51. Bilateral and multilateral cooperation is critical to preventing and tackling violence and discrimination against women migrant workers. In Jamaica, national legislation on the regulation of out migration has largely been supplanted by the use of bilateral country agreements, for example under the circular migration programmes with Canada and the United States. Peru is working with Bolivia (Plurinational State of), Chile, Colombia and Ecuador to combat trafficking and increase access to regular migration channels. The Philippines has a number of agreements through Memorandums of Understanding, including with the Republic of Korea and Japanese institutions, on the settlement of marriage migrants and the provision of support and counselling services to Filipino marriage migrants in the

country of destination. Cambodia has a number of bilateral agreements on trafficking and labour migration with China, Malaysia, Qatar, the Republic of Korea, and Thailand. Togo is working bilaterally with Benin, Ghana and Nigeria to prevent trafficking of women and minors. Reporting States, including Jamaica, the Philippines and the United Arab Emirates, share information with foreign and international institutions to increase identification and prevention of human trafficking.

52. States also cooperate on a multilateral basis within the framework of regional mechanisms, such as the Association of Southeast Asian Nations (ASEAN), the Caribbean Community and Common Market, the Common Market of the South and the Union of South American Nations in South America, or the European Union. Singapore is working with ASEAN on an instrument that will implement the Association's Declaration on the Protection and Promotion of the Rights of Migrant Workers. Jamaica referred to its participation in the Caribbean Forum on Population, Migration and Development in 2013. The United Arab Emirates participated in the Second Academic Meeting of Arab Police on Human Rights in Security Sectors and the third meeting of the United Arab Emirates delegation to the Joint Emirati-European Committee on Human Rights Issues. The United Arab Emirates also reported that it had received a number of delegations from international organizations, including the President of the International Women's Association and a delegation from the Arab Commission on Human Rights from the Arab League. Jamaica, among other reporting States, engaged with global forums on migration and development, including the High-level Dialogue and the Global Forum for Migration and Development.

V. Initiatives of United Nations entities and the International Organization for Migration in support of national efforts

A. Research and data collection

53. The United Nations and related entities support the increased availability of data on migrant women and children, including on violence against them, for example through the establishment of observatories and data-collection processes. ILO has helped to develop the International Labour Migration Statistics Database for ASEAN. The data collected will be sex-disaggregated to enable a more detailed understanding of gender differences in migration decisions and outcomes. In Costa Rica, the registry system of the Labour Inspectorate of Costa Rica was recently updated with support from ILO. The changes included adding indicators on migrant workers, disaggregated by sex. The system will provide data on the type of abuse most commonly committed against migrant men and women. The Office of the United Nations High Commissioner for Refugees continues to collect data on gender-based violence as part of an information management system that enables humanitarian actors to respond to sexual and gender-based violence, including by providing legal assistance. IOM has established a database for tracking migrant fatalities at borders, which aims to disaggregate the data by sex and age.[40]

[40] See http://publications.iom.int/bookstore/free/FatalJourneys_CountingtheUncounted.pdf.

B. Support for legislative and policy development

54. Entities of the United Nations system and IOM have collaborated with national authorities to ensure that laws coherently address protection, assistance and the prevention of violence against women migrant workers and trafficked women migrants. In Cambodia, ILO is working with the Government to require that: recruitment agencies are periodically inspected by the Ministry of Labour; lawyers are provided for migrants engaged in legal proceedings abroad; contracts between agencies and foreign workers are written in the Khmer language and must specify working conditions, job status, types of work to be done, and benefits; and training centres must ensure a decent standard of living. UN-Women is supporting a series of initiatives aimed at increasing protection and improving conditions of employment for millions of foreign workers, including women domestic workers. Measures were agreed upon at the Third Ministerial Consultative Meeting of the Abu Dhabi Dialogue, held in Kuwait in November 2014, including the introduction of a standard employment contract that contains core minimum conditions of decent work to secure the protection of women domestic workers from exploitation, violence and abuse when migrating from Asia to the Gulf States for employment. The standard contract called for was prepared with the technical support and advocacy of UN-Women with member States of the Colombo Process (Afghanistan, Bangladesh, China, India, Indonesia, Nepal, Pakistan, the Philippines, Sri Lanka; Thailand and Viet Nam). The standard contract is now being considered by the Cooperation Council for the Arab States of the Gulf.[41,42] ILO, UN-Women and a number of international and national trade unions continued to support the ratification of Convention 189 and Recommendation 201. As of 24 June 2015, 21 member States had ratified the Convention, 13 of which are labour-importing countries.

C. Advocacy, awareness-raising and capacity-building

55. Entities of the United Nations system and IOM continued to support advocacy, awareness-raising and capacity-building efforts to prevent violence against women migrant workers. Those activities include the provision of support to national partners to enhance access by women migrant workers to better employment and recruitment services, including codes of conduct (IOM, UN-Women and ILO). United Nations agencies have developed and disseminated information and raised awareness of the use of legal migration channels and human and labour rights protection for women migrant workers, including domestic workers, through media networks, community alert groups and joint programmes (UN-Women, ILO and IOM). UN-Women has reached out to government ministries to increase women's access to information on safe migration. A compendium of standard operating procedures that sets out the role of relevant government ministries for preventing trafficking of women was accepted in India by the Supreme Court's committee on safe migration and prevention of trafficking in 2014. In Costa Rica, with the support of ILO, the judiciary is carrying out a sensitization campaign for men and women

[41] (The Gulf Cooperation Council is a regional intergovernmental political and economic union comprising all Arab states of the Persian Gulf, except for Iraq). Member states of the Council are Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates.

[42] See http://www.asiantribune.com/node/85968.

migrant workers to raise awareness about their rights, even when in irregular situations.

56. United Nations entities supported national efforts to increase the protection of women migrant workers, including survivors of violence, and increase their access to justice. In Cambodia, the Lao People's Democratic Republic, Malaysia, Myanmar, Thailand and Viet Nam, the Migrant Worker Resource Centres, supported by ILO, enabled those countries to provide information, training, counselling and legal services for migrants before departure, in the destination country and upon return. Those services are either linked directly to government-run employment centres or area run by trade unions and civil society organizations.

VI. Conclusions and recommendations

Conclusions

57. States have taken national, regional and global action to tackle violence and discrimination against women migrant workers and respond to the increasingly complex and mixed migration flows. The changing migration context noted by Member States and United Nations agencies, however, highlights the use of increasingly more dangerous routes by women migrants, including recourse to smuggling, which imperils migrant women workers in transit and increases the likelihood of their insertion into contingent, informal and precarious work in host countries, thereby increasing their vulnerability to violence and exploitation.

58. The number of States parties to relevant international instruments, including the ILO Domestic Workers Convention, 2011 (No. 189), has increased. More Member States have ratified, signed or are part of negotiations on regional instruments dealing with discrimination and violence against women, including against women migrant workers.

59. Bilateral and multilateral partnerships have also been forged, providing a strong basis for tackling discrimination and violence against women migrant workers. However, further detailed legislation and policies that respond to women migrant workers, including domestic workers, and that expand mechanisms and monitoring systems for access to justice are still needed.

60. While more States have made progress in acceding to and implementing global normative and policy frameworks to protect women migrant workers from discrimination and violence, key gaps persist, particularly in the areas of: the development of targeted measures to tackle discrimination and violence against women migrant workers, taking their specific situations into account; the availability of systematic, regular, nationwide collection and dissemination of disaggregated data, including sex-disaggregated data, on violence against migrant workers; research and analysis to inform and evaluate policies and programmes; the provision of information on access to justice to women migrant workers, including on existing challenges and efforts to improve such access; and more systematic reporting on the results, and the impact of laws and policies.

Recommendations

61. States are encouraged to implement the recommendations set out below in order to tackle discrimination and violence against women migrant workers and enhance their access to justice.

62. States should continue to ratify and implement international instruments, with a special focus on the ratification and implementation of the Domestic Workers Convention, 2011 (No. 189) and the associated Recommendation (No. 201) that enshrine fundamental commitments to ensure that domestic workers, including migrant domestic workers, have access to decent work.

63. States should ensure that national laws protect women migrant workers, including domestic workers, that they include robust mechanisms for monitoring, for the registration of complaints and for the resolution of disputes in line with relevant conventions of ILO and United Nations instruments.

64. States should also seek to address the pull factors for women's irregular migration, including the need to resolve care deficits in labour importing countries and to regulate, formalize, professionalize and protect the terms and conditions of employment in care work.

65. States should enhance the collection and dissemination of sex-disaggregated data, and research and analysis on migration and violence against migrant women and violations of their rights at all stages of the migration process, securing access by them to protection and assistance, including access to justice. This includes the collection of sex-disaggregated data on migrant fatalities at international borders.

66. States should continue to work with non-State actors to promote education and awareness-raising, as well as other efforts to prevent violence. Trade unions and civil society actors should be encouraged and enabled to work with migrants to increase the capacity of migrant workers to understand their rights and to report abuses. Labour ministries and the private sector can also work with recruitment and employment agencies and employers to change the approach that is taken to women migrant workers. Greater amounts of information should be shared with the media, public officials and the general population in both origin and destination countries to ensure that knowledge is available and that services are appropriately tailored to the target groups.

67. States should strengthen support systems for victims of violence that are linguistically and culturally appropriate and that ensure their access to those services in accordance with human rights standards, regardless of their immigration status. Such support should include: provision of information on the rights of women migrant workers; hotlines; monitoring; dispute resolution mechanisms; legal aid; psychological, health and social services; and access to shelters.

68. States should continue to conclude and implement bilateral and multilateral arrangements to ensure the protection of the rights of all women migrant workers.

69. The United Nations system and related entities should continue their efforts to strengthen partnerships with all stakeholders, including civil society organizations, cooperatives and unions that support women migrant workers.

They should coordinate their work in support of the effective implementation of international and regional obligations and normative standards, enhance their impact and strengthen positive outcomes for women migrant workers. In addition, they should seek to ensure that migration and the rights of migrants rights are adequately reflected in upcoming inter-governmental processes, particularly the sustainable development goals, particularly in those goals and targets that relate to reducing poverty and lowering inequalities, improving employment and labour rights, and achieving gender equality and peaceful societies.